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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 ALLSTATE INSURANCE COMPANY;
10 ALLSTATE PROPERTY & CASUALTY
11 INSURANCE COMPANY; ALLSTATE
12 INDEMNITY COMPANY; and ALLSTATE
13 FIRE & CASUALTY INSURANCE
14 COMPANY,

15 Plaintiffs,

16 v.

17 PETER MARIO BALLE, D.C.; SEBASTIAN
18 P. BALLE, M.D., ARTHUR ROSSI, D.C.;
19 RICHARD CHARETTE; ELITE ATL, LLC.,
20 ACCIDENT INJURY MEDICAL CENTER,
21 INC.; ACCIDENT TRIAL LAWYERS, LLC.;
22 REAL TIME MARKETING, INC.; EXPERT
23 MANAGEMENT, INC.; ANDREW TAYLOR;
24 RAMSEY AND ASSOCIATES, INC.; and
25 DENNIS RAMSEY.

26 Defendants.

Case No. 2:10-cv-02205-APG-NJK

ORDER

(Defs.' Objections to Order of Magistrate Judge
Denying Motion to Compel Deposition
Testimony, Proper Discovery Responses, and
for Sanctions – dkt. no. 315)

27 Before the Court is Defendants Sebastian P. Balle, M.D. and Accident Injury Medical
28 Center, Inc.'s ("Defendants") Objections [Dkt. #315] to Magistrate Judge Koppe's Order [Dkt.
#307] denying Defendants' motion to compel deposition testimony and proper discovery
responses, and for sanctions. For the reasons below, the Court does not need to wait for Plaintiffs
to file a Response, and hereby denies the Motion.

Judge Koppe's September 20, 2013 Order denied Defendants' Motion to Compel. Judge
Koppe noted the incoherency and lack of clarity in Defendants' arguments, as well as procedural

1 deficiencies in the Motion, but nonetheless addressed its merits. Judge Koppe held that
2 Defendants' complaints were meritless, finding that (1) the Rule 30(b)(6) witnesses were
3 knowledgeable and adequately prepared, (2) the "McKinsey documents" were outside the
4 judicially imposed limitations on discovery and, therefore, Plaintiffs were not required to produce
5 them and properly instructed the witnesses not to answer questions regarding them, (3) Plaintiffs
6 adequately responded to Defendants' often vague, unqualified, and unlimited Requests for
7 Production, Interrogatories, and Requests for Admission, and Plaintiffs' assertions of privilege
8 were proper, and (4) sanctions were not appropriate given there was no underlying violation of
9 the rules governing discovery.

10 When reviewing a magistrate judge's order, the order should be set aside only if it is
11 clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. §
12 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A magistrate judge's
13 order is "clearly erroneous" if the court has "a definite and firm conviction that a mistake has
14 been committed." See *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948); *Burdick v.*
15 *Comm'r IRS*, 979 F.2d 1369, 1370 (9th Cir. 1992). The magistrate judge "is afforded broad
16 discretion, which will be overruled only if abused." *Columbia Pictures, Inc. v. Bunnell*, 245
17 F.R.D. 443, 446 (C.D. Cal. 2007). The district judge "may not simply substitute its judgment" for
18 that of the magistrate judge. *Grimes v. City and County of San Francisco*, 951 F.2d 236, 241 (9th
19 Cir. 1991) (citing *United States v. BNS, Inc.*, 858 F.2d 456, 464 (9th Cir.1988)).

20 Defendants' Motion does not raise any issue or argument that creates a "definite and firm
21 conviction that a mistake has been committed." Defendants again fail to both identify specific
22 requests and explain how Plaintiffs' responses were inadequate. Further, Defendants' vague and
23 disorganized arguments are repetitive of those presented in the original motion, which were
24 correctly and thoroughly addressed in Judge Koppe's Order. Judge Koppe also properly noted

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1 that the Court is not required to address undeveloped or incoherent arguments. Therefore,
2 Defendants' Motion is denied.

3 IT IS SO ORDERED.

4 DATED THIS 8th day of October, 2013.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE